

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No: 03-808; BMID9814US)

In re the Application of:)	
)	
Endl, et al.)	Examiner: Nguyen, Bao-Thuy L.
)	
Serial No: 09/786,040)	Group Art Unit: 1641
)	
Filed: July 17, 2001)	Confirmation No: 8496
)	
For: Human Monoclonal Antibodies)	
To the Islet Cell Antigen IA-2)	

STATEMENT OF ATTORNEY ANITA TERPSTRA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Anita Terpstra, hereby state:

1. I am a patent attorney at McDonnell, Boehnen, Hulbert & Berghoff ("MBHB"), the Applicant's representative of record for the referenced application.

2. I submit this statement in response to the Office Action dated July 21, 2003 and in support of the deposit of cell line IA-2, 96/3/1 (deposit number DSM ACC2365), made on August 13, 1998 at the Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH ("DSMZ") by the Applicant. A copy of the receipt for the deposit of IA-2, 96/3/1, under deposit number DSM ACC2365, is submitted with the response to Office Action as Exhibit "A". A copy of the viability statement issued by the DMSZ for deposit number DSM ACC2365 is submitted with the response to Office Action as Exhibit "B".

3. I hereby state that the deposit of IA-2, 96/3/1, under deposit number DSM ACC2365, made on August 13, 1998 at the Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH ("DSMZ") was deposited under the terms of the Budapest Treaty and in compliance with CFR §§1.801-1.809. General information regarding the DSMZ, indicating that it is an approved depository under the Budapest Treaty, is submitted with the response to Office Action as Exhibit "C".

4. I further state that the cell line IA-2 will be released without restriction or condition to the public upon issuance of a patent, and that the cell line will be replaced should it ever become non-viable.

5. I hereby further state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,
McDonnell, Boehnen, Hulbert & Berghoff

Date: November 14, 2003

By: 
Anita Terpstra
Registration No. 47,132